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Attorneys for Sgt. Garcia

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Steven Curtis Leech,

Plaintiff,

v.

Sgt. Garcia, John Doe C.O., John Doe C.O.,
John Doe C.O., John Doe C.O.,

Defendants.

Case No. 2:23-cv-00794-AN

DEFENDANT'S ANSWER TO PLAINTIFF'S
AMENDED COMPLAINT

Defendant, by and through the undersigned, in response to plaintiff's Amended Complaint, admits, denies, and alleges as follows. Defendant Garcia answers Plaintiff's Amended Complaint as follows:

1.

Unless specifically admitted, Defendant generally denies each and every claim in Plaintiff's complaint. To the extent this answer failed to specifically respond to an allegation, that allegation is denied.

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2.

Defendant admits Plaintiff is currently incarcerated at Snake River Correctional Institutions.

3.

Defendant denies all remaining allegations in Plaintiff's Amended Complaint.

FIRST AFFIRMATIVE DEFENSE

(Qualified Immunity)

4.

Defendant alleges that at all times relevant to Plaintiff's Complaint they were acting in good faith and within their discretion pursuant to the laws and statutes of the State of Oregon and the United States, and that their conduct violated no clearly established statutory or constitutional right of which a reasonable official would have knowledge.

SECOND AFFIRMATIVE DEFENSE

(Prison Litigation Reform Act)

5.

Defendant incorporates herein the admissions, denials, and allegations set forth above. Defendant asserts all provisions of the Prison Litigation Reform Act ("PLRA") to any of Plaintiff's claims brought under 42 U.S.C. § 1983, including but not limited to, failure to exhaust administrative remedies.

THIRD AFFIRMATIVE DEFENSE

(Failure to State a Claim)

6.

Defendant alleges that Plaintiff has not been deprived of any right, privilege, or immunity secured by the Constitution, the laws of the United States or the State of Oregon and therefore fails to state a claim under 42 U.S.C. §1983.

FOURTH AFFIRMATIVE DEFENSE

(Eleventh Amendment Immunity)

7.

The Eleventh Amendment bars all or some of Plaintiff's claims.

FIFTH AFFIRMATIVE DEFENSE

(Vague or Ambiguous Pleading under FRCP 12(e))

8.

Plaintiff's Complaint and Amended Complaint are vague and ambiguous under FRCP 12(e).

SIXTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

9.

Some of all of Plaintiff's claims are barred by the statute of limitations.

RESERVATION OF ADDITIONAL DEFENSES

10.

Defendant reserves the right to assert additional defenses as may become known to them through investigation and discovery.

WHEREFORE, having fully answered plaintiff's complaint, defendant prays for a judgment in favor of defendant against plaintiff, dismissing plaintiff's complaint in its entirety and awarding defendant its costs and disbursements incurred herein, and for such other and further relief as the Court may deem appropriate.

DATED February 23, 2024.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Aaron D. Kelley
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Of Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on February 23, 2024, I served the foregoing DEFENDANT'S ANSWER TO PLAINTIFF'S AMENDED COMPLAINT upon the parties hereto by the method indicated below, and addressed to the following:

Steven C Leech
SID #13345628
Snake River Correctional Institution
777 Stanton Blvd
Ontario, OR 97914
Pro Se Plaintiff

HAND DELIVERY
 MAIL DELIVERY
 OVERNIGHT MAIL
 TELECOPY (FAX)
 E-MAIL
 **E-SERVED PURSUANT TO
SRCI STANDING ORDER NO. 2019-9**

s/ Aaron D. Kelley
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